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Approved For Release 2005/08/08 : CIA-RDP82M00345R000700050061-7

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Executive signature
26-39

Pls acknowledge

Harper's

25X1

610#76-3479

TWO PARK AVENUE
NEW YORK, N.Y. 10016

LEWIS H. LAPHAM
212

Victor S. Navasky
(609) 452

Working Copy

November 16, 1976

Mr. George Bush
Director
Central Intelligence Agency
McLean, VA 22101

NOV 23 2 55 PM '76

Dear Mr. Bush:

This is a request under the Freedom of Information Act as amended (5 USC Sec. 522).

For an article Victor S. Navasky is writing for Harper's Magazine, we request copies of all CIA files, documents, or other materials falling into the following categories:

- 1) The titles, authors, and publishers of the "well over a thousand books" referred to in Volume I of the Foreign & Military Intelligence section of the Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the United States Senate ("the Church Committee") (see pages 193-195). According to the Church Committee report these books "were produced, subsidized or sponsored by the CIA."
- 2) All CIA materials made available to the members or staff of the Church Committee relating to books produced, subsidized or sponsored by the CIA up to the present time.
- 3) All other CIA materials and files relating to books produced, subsidized or sponsored, directly or indirectly, by the CIA whether or not made available to the Church Committee.

As you know, the amended Act provides that if some parts of a file are exempt from release, that "reasonably segregable" portions shall be provided. We therefore request that, if you determine that some portions of the requested information are exempt, you provide us immediately with copies of the non-exempt materials or files. We reserved our right to appeal all such decisions.

If you determine that some or all of the requested information is exempt from release, we would appreciate your advising us as to which exemption you believe covers the information which you are not releasing.

We are prepared to pay costs specified in your regulations for locating the requested files and reproducing them. }

As you know, the amended Act permits you to reduce or waive the fees if that "is in the public interest because furnishing the information can be considered as primarily benefitting the public." We believe that this request plainly fits that category and ask you to waive any fees.

If you have any questions concerning this request, please telephone us at either of the above numbers.

As provided for in the amended Act, we expect to receive a reply within ten working days.

Yours sincerely,

Victor S. Navasky / NvB
Victor S. Navasky

Your sincerely,

L. H. Lapham
Lewis H. Lapham
Editor

LHL/VSN:nvb

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OGC 77-0797
7 February 1977

OLC #77-1502

Jia - En

Nancy F. Wechsler, Esq.
Greenbaum, Wolff & Ernst
437 Madison Avenue
New York, NY 10022

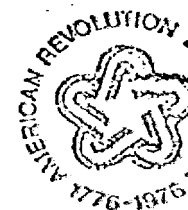
Dear Ms. Wechsler:

This is in response to Mr. Lewis H. Lapham's and Mr. Victor S. Navasky's appeal of 9 December 1976 of the CIA's failure to produce the following material requested by them under the Freedom of Information Act, as amended:

1) The titles, authors, and publishers of the "well over a thousand books" referred to in Volume I of the Foreign & Military Intelligence section of the Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the United States Senate ("the Church Committee") (see pages 193-195). According to the Church Committee report these books "were produced, subsidized or sponsored by the CIA."

2) All CIA materials made available to the members or staff of the Church Committee relating to books produced, subsidized or sponsored by the CIA up to the present time.

3) All other CIA materials and files relating to books produced, subsidized or sponsored, directly or indirectly, by the CIA whether or not made available to the Church Committee.



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32 Code of Federal Regulations section 1900.51, Mr. William W. Wells,
Deputy Director of Operations, has considered your clients' appeal.

Mr. Wells has determined that the material your clients have requested is currently and properly classified pursuant to Executive Order 11652 and is thus exempt from disclosure under exemption (b)(1) of the Freedom of Information Act.

Mr. Wells has determined further that the material your clients have requested concerns information pertaining to intelligence sources and methods which the Director of Central Intelligence has the responsibility to protect from unauthorized disclosure pursuant to section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) and section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g). Accordingly, this material is exempt from disclosure under exemption (b)(3) of the Freedom of Information Act.

In accordance with section 552(a)(4)(B) of the Freedom of Information Act, your clients have the right to seek judicial review of this determination in a United States district court.

Sincerely,

John F. Blake
Chairman
Information Review Committee

OGC:GM:smf (7Feb77)

Distribution:

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DRAFT

Mr. Lewis H. Lapham
Editor, Harper's
Two Park Avenue
New York, New York 10016

Ed K
3 December 1976
FO76-675

Dear Mr. Lapham:

This is in response to your request, dated 16 November 1976, for material intended for an article to be written by Mr. Victor S. Navasky.

Concerning numbered paragraphs 1) and 3) of your letter, it has been determined that any documents which might exist which would be responsive to your request and which reveal any CIA connection with or interest in matters relating

to those set forth in your request and, indeed, any data that might reveal the existence of any such records would be duly classified under criteria set forth in Executive Order 11652. Accordingly, and pursuant to the authority of exemption (b)(1) of the Freedom of Information Act, this is to advise that this Agency will not grant access to any records that may exist which might be responsive to your request. By this answer, we are neither denying nor confirming that any such records exist.

It has been determined further that the fact of the existence or non-existence of such records, if any, would relate to information pertaining to intelligence sources and methods which the Director of Central Intelligence has the responsibility to protect from unauthorized disclosure in accordance with section 102(d)(3) of the National Security Act of 1947 and section 6 of the Central Intelligence Agency Act of 1949. Accordingly, such records, if any, would be denied pursuant to exemption (b)(3) of the Freedom of Information Act.

Concerning paragraph 2) of your letter, it has been determined that those materials must be withheld in their entirety under the exemption provisions of subsections (b)(1), (b)(3), (b)(5) and (b)(6) of the Freedom of Information Act.

The applicability of the Freedom of Information Act subsections cited earlier is explained as follows:

- (b)(1) applies to material which is properly classified pursuant to Section 1 of Executive Order 11652, and is exempt under Section 5(B) of the same Order;
- (b)(3) applies to the Director's statutory obligations to protect from disclosure intelligence sources and methods, as well as the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, in accord with the National Security Act of 1947 and the CIA Act of 1949, respectively;
- (b)(5) applies to inter- and intra-agency memoranda which are advisory in nature; **and,**
- (b)(6) applies to information release of which would constitute an unwarranted invasion of the personal privacy of other individuals.

The first decision cited above was made by Mr. George L. Cary, Legislative Counsel for this Agency. The latter decision was made by Mr. Charles A. Briggs, Chief of Services Staff. These decisions may be appealed to the CIA Information Review Committee, as provided by 32 Code of Federal Regulations, section 1900.51.

Sincerely,

G.F.W.....

Orig - addr

cc - ogc, olc, ddo, ips/chrono, ips/F-76-675

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EK

Harper's

Log/ Appeal

TWO PARK AVENUE
NEW YORK, N.Y. 10016

LEWIS H. LAPHAM, EDITOR
2481-5232

DEC 15 1 23 PM '76

December 9, 1976

Central Intelligence Agency
Washington, D.C. 20505

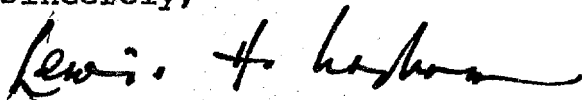
Attention FOIA Appeals Unit

Gentlemen:

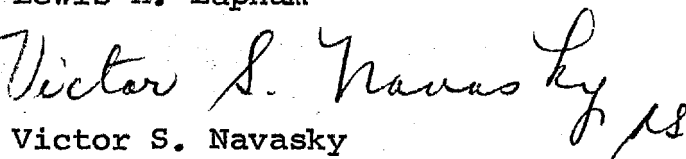
We hereby appeal the refusal of the Central Intelligence Agency to disclose the material requested in our letter of November 16, 1976.

The CIA refusal was outlined in a letter dated December 2, 1976, from Gene F. Wilson, Information and Privacy Coordinator, signed by Charles E. Savage.

Sincerely,



Lewis H. Lapham



Victor S. Navasky

LHL/VSN:as

2 DEC 1976

Mr. Lewis H. Lapham
Editor, Harper's
Two Park Avenue
New York, NY 10016

Dear Mr. Lapham:

This will acknowledge receipt of your request dated 16 November 1976 for material intended for an article to be written by Mr. Victor S. Navasky.

Your request is being processed under the provisions of the Freedom of Information Act, as amended. Since our backlog makes it impossible to complete the processing of your request within the 10 days stipulated by law, you could construe this as a denial and appeal. However, it would seem more reasonable to allow us the necessary time to complete our processing before you decide to do so.

Sincerely,

[Redacted Signature]

Gene F. Wilson
Information and Privacy Coordinator

IPS/EK/CB/tg(2 Dec 76)

Distribution:

Original - Addressee

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1 / IPS Subject (F-76-675)

STAT

F-76-675 - EK

Harper's

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Pls acknowledge

TWO PARK AVENUE
NEW YORK, N.Y. 10016

LEWIS H. LAPHAM, EDITOR
212 481-5232

Victor S. Navasky
(609) 452-4719

November 16, 1976

Mr. George Bush
Director
Central Intelligence Agency
McLean, VA 22101

NOV 23 2 55 PM '76

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-2-

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Victor S. Navasky

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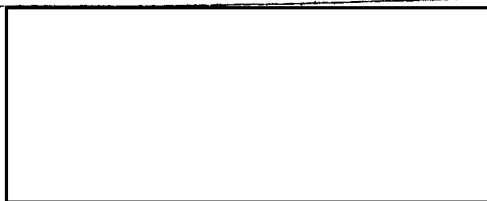
Harper's

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TWO PARK AVENUE
NEW YORK, N.Y. 10016

Working Copy



LEWIS H. LAPHAM, Editor
212 451-1200

Victor S. Navasky
(609) 452-4100

November 16, 1976

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Director
Central Intelligence Agency
McLean, VA 22101

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Lewis H. Lapham
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